

The Antigonish Review 135



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Contents

Great Blue Heron Poetry Contest Winners

The Third Annual Great Blue Heron Poetry Contest

<i>B. Allan Quigley & Jeanette Lynes</i>	7
<i>First Prize</i>	
Ménagerie du Jardin des Plantes <i>Stephanie Bolster</i>	9
<i>Second Prize</i>	
Kai Awase: The Shell Game <i>Catherine Greenwood</i>	13
<i>Third Prize</i>	
The Blue Ball	
Her Front Yard <i>Michael Trussler</i>	18

Poetry

Two Poems <i>Liam Cleary</i>	29
Eight Ghazals <i>Edward Gates</i>	33
Two Poems <i>Susan L. Helwig</i>	47
First Lesson in Poetry <i>Heather Jessup</i>	49
The Island <i>Geoffrey Cook</i>	50
my father's lives: a portrait in 3 elements <i>Andy Stubbs</i>	62
Two Poems <i>Sue Sinclair</i>	63
The Violinist <i>Clarise Samuels</i>	65
In your closet <i>George Daicopoulos</i>	79
Fence <i>Jean Berrett</i>	80
Orion <i>Mark Callanan</i>	81
For the Love of B.W., Queen of the South Side Hills <i>Monica Kidd</i>	82
Bury me on Saint Ignace <i>Katia Grubisic</i>	89
Two Poems <i>Amanda Lamarche</i>	90
Library <i>Robert Farnsworth</i>	98
Lazarus, does the body end? <i>Moir MacDougall</i>	104
Here <i>Joanne Merriam</i>	106
If on a winter's night a traveler... <i>Jane Munro</i>	107
Basel, Eunoia <i>Kai Fierle-Hedrick</i>	108
The Coincidence of All Things <i>Oliver Rice</i>	117
Rest <i>Vincent Spina</i>	119
thin ceramic <i>Joshua Trotter</i>	124
The One You Love Most <i>Naomi Lewis</i>	125

Fiction

Lumière or An Accounting of
the Events of December 28th,
1895 at the Grand Café,
Boulevard des Capucines,
Paris

Liam Durcan 21

Eating the Bones

Kathleen Winter 41

Lily-Ray

Karen A. Malley 53

L'Américain

Olivier Morteau 67

Luxembourg Gardens

Michael Jordan Jones 109

Reviews

*Thinking and Singing: Poetry and
the Practice of Philosophy*, Edited
by Tim Lilburn, Introduction by
Brian Bartlett

Adam Dickinson 83

Opening the Island by Anne
Compton

Carole Langille 121

Review Article

The Whistleblower and
Academe

Wilfred Cude 127

Article

Mordecai's Version

Tim Lehnert 94

Essay

Understanding the Doubling: A
Meditation on the Sanders'
Portrait of Shakespeare

Kate Foster 99

Contributors

137

Artwork

Featured Artist — Alan Bateman

Cover — *Red Evening*, oil on canvas; p. 21 *Wedding Flowers*, acrylic on panel; p. 41 *Moving Day*, acrylic on panel; p. 53 *Ash*, acrylic on canvas, p. 67 *Hand Towel*, acrylic on panel, p. 109 *Chasing Sleep*, acrylic on panel.

Wilfred Cude

The Whistleblower and Academe

Time magazine named them Persons of the Year: Sherron Watkins, Coleen Rowley and Cynthia Cooper. Well in advance of the fiscal chaos at Enron, Watkins, a vice president of finance, attempted to warn CEO Kenneth Lay of highly dysfunctional accounting practices that threatened the entire organization. In the aftermath of the 9/11 horrors, Rowley, a lawyer and agent, revealed to FBI Director Robert Mueller how senior members of the agency had subverted through administrative bungling an investigation that might have exposed something of the terrorist plot. One month before WorldCom imploded in the largest accounting fraud in history, Cooper, vice president of internal audit, alerted the board of directors to the grim fact that billions of dollars in losses had been concealed through phoney bookkeeping. "These women were for the 12 months just ending what New York City fire fighters were in 2001," *Time* proclaimed: "heroes at the scene, anointed by circumstance." While conceding that "their lives may not have been at stake," the magazine nonetheless insisted that "Watkins, Rowley and Cooper put pretty much everything else on the line. Their jobs, their health, their privacy, their sanity — they risked all of them to bring badly needed word of trouble inside crucial institutions." Implicit in this adulation is the hopeful presupposition that such paragons might be representative of our intellectual elite, those nurtured through our schools of professional training, schools generally centered in our universities and colleges. But is this presupposition tenable? Not according to two contemporary studies: *Disciplined Minds* by Jeff Schmidt, an American physicist who was a staff editor at *Physics Today* magazine for almost twenty years; and *The Whistleblower's Handbook* by Brian Martin, an Australian physicist now working as a social scientist at the University of Wollongong. These books make disturbingly edgy reading; nevertheless, those of us entrusted with professional training have every obligation to explore both works thoroughly and weigh their recommendations carefully.

Schmidt begins his very detailed analysis by demonstrating how professionals are selected and motivated to become unquestioningly supportive of an employer's values and objectives: they are workers paid to make intellectual and technical decisions in conformity with whatever an employer might require. Challenging the traditional view of the professional

as “an independent practicing doctor, lawyer or clergyman,” Schmidt stresses a point so obvious that our culture has become oblivious to its full social implications: “very few professionals are free practitioners,” since virtually all of them in today’s westernized world are “salaried employees.” This economic fact is essential to the book’s argument that “people who do creative work are not necessarily independent thinkers”: our professionals, no matter what their fields of specialization, now overwhelmingly work for somebody else, and they tend to do what they are told to do. “Of every 9 professionals today, 8 are salaried employees and one is a free practitioner.” This is equally true of doctors, lawyers, clergy, engineers, research scientists, college professors, school teachers, business administrators, registered nurses, chartered accountants, social workers, journalists, systems analysts, computer programmers, and innumerable other specialists in the widely diverse areas of professional endeavor where the work involves countless sensitive decisions — and employers therefore demand years of intensive and increasingly subtle coercive training. Professional independence on the job, which is where our culture most requires professionals to be independent, is therefore far more constricted than we would all like to believe. Where issues impinging even peripherally upon job security arise, employees almost instinctively conform to whichever opinions and attitudes the employer might require. The consequences of that, Schmidt argues, are distressingly profound.

The most widely-recognized consequence is what New York psychologist Herbert J. Freudenberger called career burnout, when professionals drive themselves into a state of disheartened depression, usually after years of dedicated commitment to the job. “Ironically, such depression is most likely to hit the most devoted professionals,” Schmidt writes: “those who have been the most deeply involved in their work.” And he adds, in a line memorable for sympathy and understanding, “you can’t burn out if you’ve never been on fire.” It is the plight of such people that motivated this book, a study directed to explore those circumstances that can take extremely good people and slowly machine them down into extremely good employees. There is a frightening ambiguity to the book’s title here: the disciplined minds could be self-disciplined towards independence or systems-disciplined towards conformity, whichever meaning the reader initially chooses to impose. However, while we might feel most comfortable with the first interpretation, this carefully structured and thoroughly documented analysis shows that our system of education and employment generally leaves us only with the second. “I decided to write this book when I was in graduate school myself, getting a PhD in physics, and was upset to see many of the best people dropping out or being kicked out,” Schmidt explains. “Simply put, those students most concerned

about others were the most likely to disappear, whereas their self-centered, narrowly focused peers were set for success.” The success identified here, ironically, leads only to an intensification on the job of all the narrowing influences so inherent in the training process. Just as “unquestioning, gung-ho” students advance most easily through their studies to certification, so too do those professionals keeping “concerns about the big picture nicely under control, always in a position of secondary importance” advance most readily through their careers. Education grinds effectively into employment as one “self-consistent, but deeply flawed, system”: the caring individual inevitably suffers burnout, and society itself suffers because “uncritical employees ... who know their place are not as effective at challenging their employers’ policies, even when those policies adversely affect the quality of their own work on behalf of clients.”

It all starts smoothly and insidiously with the selection of suitable candidates. “Suitable,” in this context, means something more than the widely-supposed attributes of intelligence, knowledge, diligence and commitment. As Schmidt shows, “suitable” also inevitably means (at least, in potential) “obedient.” And the streaming for that never-acknowledged but increasingly essential attribute is accomplished through a series of subtle exercises, each leading on to a more refined enhancement, all designed to winnow out the sort of person that the system claims most to encourage. For the candidate intent on a career as an academic or other professional in North America, the game may commence with the Graduate Record Examination. One set of questions from the GRE, for example, has as preamble a statement of conditions a student must satisfy in order to apply to college: meet with a counselor, obtain a transcript of marks and secure a recommendation from one of two teachers. The office hours of the counselor, the transcript office and each of the two teachers are all at variance throughout the week, yielding a range of sequences that might allow a student to successfully proceed: and the questions, all purporting to assess “analytical ability,” require the candidate to work through several different sequences to arrive at the correct answers. This type of test, Schmidt observes, “tilts toward those who feel comfortable working within arbitrary rules, who are used to working out technical details within a dictated framework, who make their way through the world through careful attention to the rules.” Since speed of response is a key factor in scoring well on the GRE, those candidates even momentarily disconcerted by the bureaucratic bias of this line of questioning may well score as less competent in “analytical ability” than others who respond readily and automatically to that bias. In effect, through a proliferation of similar techniques, the examination thus discriminates very discreetly in favor of obedience over independence.

And so it goes, throughout graduate school and then on into the professional career. As a practicing physicist, Schmidt concentrates on his own discipline, necessarily out of familiarity but also to challenge a discipline with an “image as pure science” — an image of serene intellectual inquiry, free of underlying subjective social influences. Intent upon describing “the system of professional qualification in physics” as a process that “attempts to produce obedient scientists who as employees will give higher priority to carrying out their assignments than to questioning them,” he carefully examines the production of a successful research specialist in the field. In his own graduate program at the University of California, Irvine, the “crucial step” is the Physics Qualifying Examination: “typically a week-long ordeal,” this mother of all examinations is presumably a means to assess the candidate’s overall grasp of the subject — but in truth, it is really something else. “The test emphasizes quick recall, memorized tricks, work on problem fragments, work under time pressure, endurance, quantitative results,” Schmidt summarizes: “and it de-emphasizes physical insight, qualitative discussion, exploration, curiosity, creativity, history, philosophy, and so on.” Preparation for this ordeal demands many months, often stretching into a year or two, of painstaking scrutiny of old qualifying examinations: just that, and little else, since only there can one find indications of what might be asked. Rather than broadening the candidate’s understanding, this process narrows it, focusing not only “hundreds of hours of explicit preparation” but also “thousands of hours of indirect preparation” upon “intense alienated labor” that “dampens” creativity and curiosity and “weakens” any resolve to pursue “original interests and ideas.” This is a process that ultimately can change the individual, a subtle moulding of the psyche, one that may well become “the beginning of a forced, permanent adjustment to the system.”

Many determined candidates manage to soldier on through this sort of ordeal, assuming it is an intellectual aberration that will fade as their subsequent research careers evolve. No such luck, Schmidt reports: economic reality generally and forcefully intervenes. When the candidate contemplates a choice of sub-specialization, first as the area of doctoral dissertation research and then as the area of full-time professional work, financial considerations become paramount. University research is most heavily concentrated where it is most heavily funded, most often in areas of interest to governments or large commercial enterprises, areas that are also of greatest promise for employment after graduation. “Students know that job prospects vary greatly by subfield and are well aware of which subfields the marketplace has deemed *hot*,” Schmidt wryly remarks: “thus 27 physics graduate students take an interest in condensed matter physics (the basis of electronic devices) for every one who takes an interest in

acoustics, and 30 take an interest in nuclear physics for every one who takes an interest in geophysics." Doctoral dissertation research can take an additional lengthy toll in time, culminating in a narrowly-defined examination of some technical or theoretical minutia, which further restricts the job opportunities for the now successful graduate. Newly minted doctors of philosophy either seek employment immediately or proceed into yet another phase of advanced research, the postdoctoral appointment. In any event, there is no reprieve from the ever-narrowing realm of career prospects: employment at a university or with a large corporation demands sustained productivity in the one specialization the candidate knows intimately, and the increasingly ubiquitous post-doc appointment also requires more of the same. For even the most independent of graduates, work initially accepted "only because it was to be temporary, only to get the degree," has become the inflexible career path. Little wonder that burnout is becoming so depressingly common among our professional cadres.

Perhaps surprisingly, given the overall bleak tendency of his analysis, Schmidt doesn't give way to either cynicism or despair. Acknowledging the dominant role of professionalism in our westernized cultures, he urges those resolutely pursuing a professional career to organize with others and to develop qualities in themselves that will strengthen independent thought and action, thereby combining the powers of institutionalized formal training with a tendency to act in the public good. "Not even the product of a malfunctioning training system is doomed to work as a complete ideological servant of the status quo," he insists: encouragingly, any professional can remain "a force for [salutary] change." Drawing from advice in the U.S. Army's "Field Manual No. 21-78" delineating how to resist brainwashing, he outlines a range of tactics useful in maintaining a commitment to wider social goals while negotiating the stresses of professional training and employment. Of primary import is the advisability of "joining with like-minded professionals and non-professionals to act on issues involving the content of the work." In practice, this means you utilize professional training to diligently assess all relevant aspects of a particular problem, you retain confidence in your own integrity as a professional committed first to the highest ideals, you seek the support of like-minded persons in dealing with that problem, and (if circumstances ultimately dictate) you summon the courage to "blow the whistle and sabotage projects that are against the public's interest." Almost certainly, immersed in the turmoil of their individual struggles, neither Watkins, Rowley nor Cooper had read *Disciplined Minds*; moreover, both Rowley and Cooper have a marked distaste for the term "whistleblower," with Cooper protesting that the term is "too much like *tattletale*." Nevertheless, in every major respect, *Time's* Persons of the Year have lived out scenarios

that Schmidt anticipated: with more of us paying attention to his book, it is possible more of us might muster the resources to follow their example.

To achieve something akin to that essential and most desirable social objective, Brian Martin compiled *The Whistleblower's Handbook*, which appeared in print less than a year before *Disciplined Minds*. The harmony of overall objectives in the two works, given their independent origins, their very different styles of presentation and their widely-separated centres of publication, is most striking; however, whereas Schmidt is generally intent on disclosing the institutional, intellectual and economic pressures that contort professional training, Martin is generally involved with introducing any concerned citizen of whatever background to the often formidable intricacies of — in the words of the book's subtitle — “how to be an effective resister.” Martin's choice of the term “resister” is itself significant, a choice he stresses in his opening pages. This book, he asserts, “is about people who act on the basis of principles such as honesty, accountability and human welfare and who resist corruption, discrimination and exploitation. It's not about people who *resist* primarily to serve their own interests.” Each chapter of the book approaches a different aspect of effective resistance, “effective” defined here as being both in the public interest and attainable without devastating consequences to the resister. The various convolutions inherent in each situation are illustrated through relatively brief examples, ranging from a few paragraphs in some cases to a page or two in others. Although they “draw on themes that are routine” in many challenging and perplexing situations, none of these examples are “based on actual cases,” because “most actual cases are incredibly complex, with all sorts of details and byways:” therefore, “it's impossible to convey such complexity in a paragraph or two.” Nevertheless, *The Whistleblower's Handbook* has an almost eerie aura of genuine prescience, especially when its basic precepts are set down against the details of what happened in those three most recently documented cases of effective resistance: *Time's* Persons of the Year.

Martin's guidance to the prospective resister initially concentrates on a warning: beware the natural impulse “to trust that others will also be concerned and take action.” People of conscience, fretting over a serious problem in their workplace and motivated by an impulse to improve their organization, tend to look to the individuals and institutions of the organization itself for support. Depending upon circumstances, the resister might look towards management, or co-workers, or unions, or even government agencies and the courts: after all, don't all these elements of society claim to function in the common interest? Believing that, and acting in accordance with that belief, Martin argues, is trusting behavior far more often bitterly disappointed than not. “In twenty years of studying cases of

suppression of dissent, and hearing hundreds of accounts of struggles through the system," he contends, "there is not a single example I can remember in which official channels provided a prompt and straightforward solution to a serious problem." Which is precisely what each of *Time's* three prominent resisters soon discovered. Two days after Watkins met with Kenneth Lay, a company lawyer filed a confidential memo advising "how to manage the case with the employee who made the sensitive report:" ominously, the memo suggested dismissal, noting "Texas law does not currently protect corporate whistle-blowers." Two weeks after Rowley filed her memo with Director Mueller, she was summoned to appear before a Congressional hearing to testify; and seven months later, "she is afraid of being fired and afraid of appearing self-serving." Within days of Cooper's report to WorldCom's Board of Directors, the Chief Financial Officer was dismissed and the firm spiralled towards bankruptcy; and, although her position with the firm's restructuring organization still seems secure, she has had to endure intensive investigation of her files, some of her colleagues fiercely resent her actions, and "all her phone and e-mail messages are being collected, to this day." No matter how open you might be yourself, trust must be tempered with prudence: that is the key insight Martin offers as his first principle of action.

But prudence inevitably dictates, above all else, thorough and sound preparation. And such preparation, also inevitably, will sooner or later require meticulous documentation. "Documenting the problem is the foundation of success," Martin reminds everyone contemplating effective resistance. "For evidence to have credibility, usually it must be in permanent form. *Letters, memos, reports*: these are bread and butter of most documentation." So it proved for Watkins, Rowley and Cooper, each utilizing (very much as Schmidt, we should notice, had advocated) her own professional training to advantage in a crisis. Prior to her meeting with Kenneth Lay, Watkins drew up an extensive seven-page memo, detailing with precision the nature of her concerns: appended to the memo, there was a supporting file describing one of the suspect Enron operations, which Watkins had boldly annotated — "There it is! This is the smoking gun. You cannot do this!" After receiving an invitation to attend a private interview with staff members of the House and Senate Intelligence Committees in order to discuss the FBI response to 9/11, Rowley sat down to a marathon sixteen-hour session of composition that produced an extremely critical thirteen-page memo: acutely aware that she was her family's sole breadwinner and only two and a half years from retirement, she concluded with a brief request for "federal whistle-blower protection," and the next day dropped copies off with "receptionists for Robert Mueller and two members of the Senate Committee on Intelligence." Upon learning of a suspect accounting

maneuver from a colleague at WorldCom, Cooper cautiously directed her team of auditors into a circumspect but far-reaching probe of the firm's financial records, one that included covert copying of all relevant data: the months-long process resulted in a confrontation with CFO Scott Sullivan, who was fired by the firm's Board of Directors after they had considered at length Cooper's definitive revelations. In all three instances, it was the irrefutable documentation that carried conviction and ultimately prompted some form of corrective response.

Yet the presentation of a whistleblower's case is always a most precarious business, however compelling the evidence. Over and over, from one context to another, Martin stresses the hazards that must be anticipated: the opposition will be organized, sustained, and extremely powerful — and the attacks in reprisal will be very, very ugly. "The attacks I describe [in the book's illustrative examples] are bad enough," he admits, "but in many actual cases the attacks are far worse: spiteful, insidious, unrelenting and intensely debilitating." The point to bear in mind is that "reprisals are never — absolutely never — called reprisals." Opposition attacks will target perceived weaknesses in the whistleblower's character: "inability to do the job," or some "violation of organizational norms," or "disloyalty," or even "paranoia." Hence, "the struggle is over credibility: who will be believed?" And that struggle to establish credibility "could be mighty tough." As Watkins, Rowley and Cooper, each caught up in her own swirl of conflict, would quickly learn. At Enron, following her memo to CEO Lay, Watkins had her computer's hard drive confiscated, she found herself "demoted" from her prestigious "mahogany executive suite" to a depressingly "shanky office" where she was faced with "a pile of make-work projects," and "the atmosphere had grown so ominous that she had called office security for advice on self-defense." Back in her FBI office after leaving her memo with Director Mueller, Rowley was informed by an associate that "high-level FBI agents had been overheard discussing possible criminal charges against her," and she became the target of increasingly vicious personal attacks by retired agents: some wrote a malevolent letter, accusing her of disloyalty and urging her to resign; and the president of the Society of Former Special Agents compared her in the organization's newsletter to convicted spy Robert Hanssen, saying that "instead of going to the Russians, she went to Congress!" Returning to her WorldCom office after confronting CFO Sullivan, Cooper was swept up in an atmosphere of hostility, at some times being "screamed at" and at other times being "patronized:" and, she confessed, "at times, I felt like I was in a very dark place." Sadly, she was. All three of them were. That is the dreadful predicament, Brian Martin contends, that even the most qualified, highly motivated and effective resister must expect.

Given this horrifically daunting prospect, any person contemplating the role of whistleblower had better take full stock of every possible sustaining human resource. Professional training may provide the tools, but only complete confidence in one's health, personal relationships and financial security can sustain effective public resistance to institutional incompetence or wrongdoing. Once a person becomes determined to oppose institutional misbehavior, from then on, it's all about survival. Begin with your own physical and psychological health, Martin recommends. First, look to regular exercise, good diet, and extremely moderate use of unhealthy stress-relieving expedients such as tobacco, alcohol or prescription or non-prescription drugs: "late at night, after hours spent preparing a submission," he muses empathetically, "it is far more tempting to reach for a smoke or a chocolate than for a carrot stick." Next, strive attentively to maintain all your positive personal relationships, reaching out to family, friends and even co-workers: those closest "can give you direct help and moral support," and "it's far better to win them over than to turn them off." And last, devote considerable analysis to the economic implications of workplace action, since "financial survival is a crucial issue": pull together "a complete and honest assessment" of every available source of funding, "cut expenses" and "work on a minimum weekly budget," and then "prepare for the worst outcome." Measures along these lines helped enable Watkins, Rowley and Cooper to deal effectively with the various malign forms of reprisal directed against each of them. Consider Rowley running triathlons, Cooper seeking advice from her mother, Watkins abandoning Enron to found her own consulting firm — and, conceivably most central to their emotional well-being, all three finding solace and strength in the harmony of their family lives. "Think of it as being in training," Martin breezily sums up: "a whistleblower, in order to succeed against enormous pressures, also needs to put in the required hours of preparation and to make sure [his or her] body can withstand the stress."

Training, indeed. Relative to whistleblowing, even the triathlon seems easy. Since this sort of resister's contest is always so abysmally unequal and unfair, why on earth would anyone even think about entering it? In a word, Martin might reply, "self-esteem." Call it conscience, if you will. Or spiritual direction. Whatever. The label doesn't matter, but the impulse most assuredly does: and that impulse must somehow be cultivated, if the democratic ideals we claim to prize most are to survive in today's westernized capitalist world. "Society desperately needs principled and courageous people," Martin tells us, "and it needs them to be successful in exposing problems and exploring solutions." Despite everything they have endured, Watkins, Rowley and Cooper would agree. Recalling a quotation from Martin Luther King Jr. that embellished official Enron sticky-note

pads, “our lives begin to end the day we become silent about things that matter,” Watkins exclaimed: “Oh, my God, look at how many people at Enron stayed silent. That’s what they wrote. And nobody listened.” Contemplating her remaining service with the FBI, service now clouded with resentment from some colleagues and not-so-benign neglect from official headquarters, Rowley vows softly: “honestly, I would not want to do anything else.” Surveying her prospects with a rapidly-dwindling WorldCom, Cooper “will not comment on any possible resentment” and will only say that “she is looking forward to working closely with the new management team.”

This is the professionalism Jeff Schmidt passionately advocates, and the effective resistance Brian Martin so conscientiously explores and endorses. Our colleges and universities cannot teach this — but critical faculty members, through analysis and example, can attempt to instill it. Books like *Disciplined Minds* and *The Whistleblower’s Handbook* could appear on courses in ethics, business administration, and higher education. Professionals could confront the full implications of institutional reprisals like that directed against Jeff Schmidt, who was dismissed from his editorial post at *Physics Today* as soon as his employers read his controversial book.¹ And scholars could emulate the thorough organization, studied patience, and precise presentation of Brian Martin’s work, decades of involvement with causes ranging from scientific controversies to environmentalism to the suppression of dissent, decades devoted to teaching, social activism and the publication of several books and some 200 major articles.² “We need to help others find the best way they can contribute, and to keep learning about how to improve,” Brian Martin concludes: “the task is large, but as long as people care, there is hope.” Sherron Watkins, Coleen Rowley, Cynthia Cooper, and yes, definitely, Jeff Schmidt and Brian Martin as well: through their courage, integrity, and intelligent dedication, these are showing us the way.

Notes

¹ For further details, see <http://disciplinedminds.com>.

² For further details, see <http://www.uow.edu.au/arts/sts/bmartin>.

Contributors

Alan Bateman has been painting and showing his work across Canada and the United States for the past twenty years. He move from Ontario to Nova Scotia at the age of thirteen, and has been living near Canning, Nova Scotia, for the past twelve years with his wife Holly Carr and their children Jack aged 7 and Lily aged 4. Alan is represented by: West End Gallery in Edmonton Alberta, Beckett Fine Art Ltd., Toronto, Ontario and through his home studio/gallery in the Annapolis Valley. For more information visit: www.alanbateman.com, or email at mail@alanbateman.com

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Liam Cleary's work has appeared mainly in his native Ireland, in poetry journals such as *Poetry Ireland Review*, *Cyphers* and *Fortnight*. He published his first collection of short stories, *Echoes*, in 1999, and is currently completing his first poetry collection. He lives in Germany.

Geoffrey Cook's poetry has appeared in the latest anthologies of *Atlantic Canadian Poetry*, *Landmarks* (2001) and *Coastlines* (2002), and in various literary journals, including *Descant*, *Matrix*, *Pottersfield Portfolio*, and *Books in Canada*. His first book, *Postscript* is forthcoming from Signal Editions/Vehicule Press in 2004.

Wilfred Cude is the author of *A Due Sense of Differences*, *The Ph.D. Trap*, and *The Ph.D. Trap Revisited*. His writing has appeared frequently in *The Antigonish Review* and other journals. He lives in rural Cape Breton.

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